

**Summary of Fifth Negotiation Session on
New Water Supply Agreement**

Date of Session: February 24, 2003

Place: Santa Rosa Laguna Pumping Plant

Time: 9:00 AM – Noon

Parties Present and Represented:

Cities: Cotati, Petaluma, Rohnert Park, Santa Rosa, Sonoma, Windsor

Districts: North Marin, Marin Municipal, Sonoma County Water Agency,
Valley of the Moon, and Forestville Water District

(See Attachment A for complete list of attendees).

A. Opening Public Comment

Chris Sliz, Interest Based Negotiation (IBN) facilitator, opened the meeting inviting public comment. There was none.

B. Voting Method

Voting represents the consensus of the ten parties (Cotati, Petaluma, Rohnert Park, Santa Rosa, Sonoma, Windsor, Forestville Water District, North Marin Water District, Marin Municipal Water District (MMWD) and Valley of the Moon Water District). Each of the ten has one vote to cast pursuant to the rule adopted by the WAC at its meeting of September 9, 2002, namely:

- Decision making style: Consensus (defined as all Parties agreeing they are either (a) for an issue (thumbs up), (b) can live with it (thumbs horizontal) or (c) opposed (thumbs down). Vote results are reported in parentheses where taken as (a/b/c).
- If Parties can't come to consensus, table the issue and deal with it at the end of the negotiation.

C. Recap of Negotiation Session

As background, consultant John Nelson reviewed actions and work products coming out of the January 27th session. The parties then took up and made decisions on the following:

- Final conservation issues language
- Governance issues
- Proposed letters to MMWD and Town of Windsor
- Evaluation of negotiation method and progress
- Revised IBN schedule

D. Final Conservation Issues Language

The parties reviewed the language shown on Attachment B and voted 10/0/0 to approve same with the following three changes:

1. Deletion of the shaded (yellow) language in Section 4.1 since these other charges referred to have not yet been agreed to by the WAC,
2. Further clarification of Section 4.18 (b) language pertaining to the Town of Windsor to make it clear that any revenue received from the Town of Windsor with regard to Russian River water diversions from Windsor's wells would not be commingled with contractor's funds and would be made available to Windsor for its conservation projects.
3. Reinsertion of the language in Section 1.8 regarding sub accounting of Water Conservation Project expenditures if funds for water conservation continue to be collected as part of the O&M charge.

It was agreed, the Agency would make these final language changes and send a clean copy to all parties.

E. Governance Issues

The parties reviewed the proposed language presented by the consultant on Attachment C and decided as follows:

1. Approved Section 5.3 (a) by 10/0/0 vote.
2. Discussed the four alternative voting methods outlined by the consultant (refer last page of Attachment C) and voted (7/2/1) on Alternative 1 (same voting method as in current agreement). The single "opposed" vote was cast by Petaluma. Pam Torliatt said she would discuss the matter with the City Council and report back at the next session whether the City was willing to alter the vote to "can live with it".
3. Discussed Framework Issues T, U and V pertaining to communication/information issues and auditing of Agency. There was considerable discussion on these issues. The Agency pointed out they already do periodic outside audits and were maintaining a comprehensive web site as well as scheduled many hearings allowing for public input. There seemed to be some room for agreement on the language proposed in the first sentence of Section 1.8 (b). Randy Poole said he would respond back at the next session with proposed language.

F. Proposed Letters to MMWD and Town of Windsor

Windsor Letter: Mr. Nelson noted that at Mat Mullan's request, an ad hoc group had met with Town of Windsor officials and discussed the draft letter distributed at the February 3, 2003 WAC meeting. He reviewed changes resulting from that meeting and the parties reviewed the revised proposed letter (see Attachment D). Matt Mullan said this letter was a milestone issue for the Town of Windsor regards a decision to continue to seek "prime" contractor status or not. He said there had to be some benefits for the City.

Randy Poole said Pam Jeane should have the missing values for peak month flow and annual cap by the next meeting of the WAC. A discussion followed on cost considerations raised by Toni Bertolero. Chris DeGabriele agreed to reconvene the ad hoc group on March 3, 2003 in conjunction with the next WAC meeting to discuss these in more detail.

MMWD Letter: Chris DeGabriele said a meeting should be held with MMWD. He noted that although anyone interested could come, the group should include MMWD, NMWD, Agency, and the consultant as a minimum. Ron Theisen agreed to take responsibility for setting a meeting.

G. Evaluation of Negotiation Method and Progress

The parties then discussed how the IBN process was working and whether changes or an alternative approach should be considered. "Continue as is", "get a full draft proposal from Agency and negotiate on that", and "breakout into groups with each assigned a segment" were among the alternatives discussed. The parties voted (7/2/0) to continue as is – i.e. continue using the IBN process augmented by ad hoc groups tackling issue points needing detailed development.

H. IBN Schedule

Consultant John Nelson presented the revised IBN schedule and asked if there was anything on it that any party felt needed to be changed. He noted it was a best "guesstimate" at this time and would, of course, be expected to change with time. He noted he had consolidated the public session contemplated to review the initial full draft agreement (expected to be available in fall of 2003) and consideration of Endangered Species Act impacts based on the assumption that the Agency would be holding a number of hearings on the latter. There were no suggested changes.

He noted, pursuant to the schedule, he would have proposals addressing the following Framework Issues for consideration at the next session: Watershed Management, General Plan Relationships and Basic Agreement Concepts.

I. Other Business

The parties decided that the brief minutes being kept of the negotiation session should be placed on each Agenda for approval.

Mr. Nelson noted the web site has been updated to include negotiation session documentation.

J. Closing Public Comment

Brenda Adelman expressed concern that support by some WAC member agencies for the Russian River Action Plan proposed on the Agency consent calendar of February 25th was not readily available to the public for comment.

K. Follow-up Tasks for Nest Session

1. Recap of February 24th Negotiation Session (Nelson).
2. Final Conservation Issue Language (Poole).
4. Petaluma representative to check with council and report back regarding whether City “can live with” current WAC voting method which was favored by a majority of the parties. (Torliatt)
5. Agency to respond with some language re Framework Issues T, U and V. (Poole)
6. Values re. peak month entitlement and annual cap for proposed Windsor letter (Jeane)
7. Feedback from ad hoc group meeting on March 3, 2003 to discuss cost considerations pertaining to proposed letter to Town of Windsor (DeGabriele)
8. Feedback from ad hoc group meeting on proposed letter to MMWD (DeGabriele)
9. Proposals for Watershed Management, General Plan Relationships and Basic Agreement Concepts (Nelson)

L. Next Negotiation Session

Time and Date: 9:00 AM-12:00 PM, March 24, 2003
Place: Santa Rosa’s Laguna Treatment Plant

Attachment A

Attendees Of Water Advisory Committee Negotiation Meeting For February 24, 2003

Attendees:

Chris Sliz, City of Santa Rosa
Miles Ferris, City of Santa Rosa
Mike Martini, City of Santa Rosa
Jane Bender, City of Santa Rosa
Virginia Porter, City of Santa Rosa
John Nelson, JONWRM
Jake Mackenzie, City of Rohnert Park
Bill Stephens, City of Rohnert Park
Chris DeGabriele, North Marin Water District
Syed Rizvi, North Marin Water District
Al Bandur, City of Sonoma
Mike Fuson, City of Sonoma
Toni Bertolero, City of Cotati
Janet Orchard, City of Cotati
Jack Gibson, Marin Municipal Water District
Ron Theisen, Marin Municipal Water District
Paul Berlant, Town of Windsor
Matt Mullan, Town of Windsor
Lee Harry, Valley of the Moon Water District
Ron Prushko, Valley of the Moon Water District
Mike Ban, City of Petaluma
Pam Torliatt, City of Petaluma
Steve Simmons, City of Petaluma
Randy Poole, Sonoma County Water Agency
Tim Smith, Sonoma County Water Agency
George Roberts, Forestville Water District

Public Attendees:

Brenda Adelman, RRWPC
Jo Timmsen
Don McEnhill, League of Women Voters
Bob Anderson, United Wine Growers